Supreme Court, U.S.
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(3)

No. 90-1214

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1990

DEEN THOMAS WILLIAMSON, Petitioner,

v.

ABILENE INDEPENDENT SCHOOL DISTRICT, TEXAS STATE TEACHERS ASSOCIATION, DR. WAYNE BLEVINS, MR. GAYLE LOMAX, MR. DON SIMMONS, MRS. TOMMIE ALLEN, MS. VICKIE HARPER, MS. PAT DUDLEY, MR. ELMON HIGGS, MS. SHIRLEY BABER, MR. BOB JOY, MR. GENE KINSER,

Respondents
(Collectively and Individually),
Mr. Byron Craig (POSTHUMOUS) and
Mr. Craig Williams

'Non-Active' Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITIONER'S REPLY MEMORANDUM

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Mr. Glandon, the attorney for respondents A.I.S.D. and its employees, failed to properly address petitioner's quesion presented to this court in his brief in opposition. Pro se petitioner requested a hearing in the district court, because she realized she needed the hearing to properly tie the evidence-exhibits to the facts as stated in her com-

plaint. Further the hearing would have assisted pro se in framing her causes of action, which would have been properly stated in her requested second amended complaint. (See Request for Hearing - p.3 in Lodging). The request for hearing and opportunity to file an amended complaint was ignored by the court. (See Docket Sheet in Lodging). The fifth circuit stated the standards by which pro se pleadings and the applicable procedures should be construed by the courts in their decision (See Appendix 3B p. 2-3), yet they did not adhere to these standards in the actual drafting of their decision. Thus their decision gives a negative answer to the premise that pro se's pleadings and applicable procedures should be construed liberally.

In the section of Glandon's brief styled jurisdiction, he stated that petitioner's question had already been decided by this court. While it is true that the standards have been established for construing a pro se litigant's pleadings and applicable procedures, petitioner's case clearly points that the courts are only masquerading conformity to these standards, because petitioner was denied the right to litigate in the district court with the demure that she did not properly present the evidence and the fifth circuit basically stated she was denied the right to litigate, because she did not say it properly in her complaint. Thus diligent adherence to the standards by the lower courts—*not simply stating the standards as they make their decision in a mockery fashion to these standards*—is an important question of federal law this court needs to address.

There are errors in Mr. Glandon's statement of the facts. Petitioner's pivotal cause of action is that the respondents by their actions in firing and reassigning her without due notice and without due process on December 15, 1986 violated her due process and due notice rights as stated in Texas statute, specifically Texas Education Code §13.111 (b). Once her statutory rights were violated, her cause took on a fourteenth amendment constitution dimension. Thus her recourse was to the courts even before the coverup of this violation, the retaliation against her for requesting the E.E.O.C. investigate her cause, the misrepresentation by her union, and the stigma of incompetency being falsely placed on her.

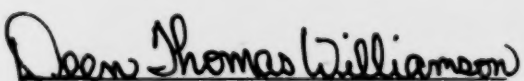
The section of Mr. Glandon's brief styled argument and authorities continues to reflect that pro se's lack of expertise in the legal arena is being used to deny her the right to litigate. The point is: all petitioner's

facts remain the same and can be supported by her evidence-exhibits already in the record. Further, all of the points of error presented to this court were addressed in her pro se pleadings in the fifth circuit. Since the only question before this court at this time is the conflict between the decision and case law, petitioner asserts that she attempted to point out to the fifth circuit that their decision was in conflict with case law in her Request for a Panel Rehearing. (See lodging).

Contrary to Mr. Glandon's premise that this case is not applicable to other litigants and other cases, this case at bar is definitely applicable to pro se litigants being treated fairly with the lower courts diligently, properly adhering to the applicable standards set out in case law in the drafting of their decisions. Further, petitioner does have several causes of actions and some are clearly stated in her Request for Panel Rehearing (See lodging).

In light of the above stated reasons and others, which pro se does not clearly see, it is important in several respects that this court grant petitioner's Petition for a Writ of Certiorari to reveiw the judgment and opinion of the United States Court of Appeals for the Fifth Circuit, entered in the above-entitled proceeding in October 4, 1990 and reverse the findings of the Fifth Circuit with instructions: that this cause be sent back to the District Court for a trial on the merits with a lawyer being granted permission to write a second amended complaint, which was requested by petitioner in her request for a Hearing (See Request for Hearing, p. 3 in Lodging).

Respectfully submitted,



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March 18, 1991